

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-64 are currently pending. Claims 1, 24, 43, 44, 46, 63, and 64 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-64 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; the claims were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; Claims 43 and 63 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,272,481 to Lawrence et al. (hereinafter “the ‘481 patent”); Claims 1, 6-8, 10, 12, 17-29, 32-42, 44-47, 49, and 60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘481 patent in view of U.S. Application Publication No. 2002/0194029 to Guan et al. (hereinafter “the ‘029 application”); Claims 14, 31, and 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘481 patent in view of the ‘029 application; and Claims 2-5, 9, 11, 13, 15, 16, 30, 48, 50-57, 59, 61, 62, and 64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘481 patent and the ‘029 application, further in view of Official Notice.<sup>1</sup>

Applicants respectfully submit that the rejections of the claims under 35 U.S.C. § 101 are rendered moot by the present amendment to the claims or are otherwise traversed. In this regard, Applicants note that system Claims 1, 43, and 44 each recite a display unit and are therefore not directed to software per se. Further, method Claims 63 and 64 are either tied to a remote terminal or a display and thus satisfy the test of *In re Bilski*. Accordingly,

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<sup>1</sup> Applicants note that Claim 16 was listed as being unpatentable over the ‘481 patent and the ‘029 application, further in view of Official Notice, although Claims 17 and 18, which depend on Claim 16 were rejected only on the basis of the ‘481 patent and ‘029 application. This appears to be inconsistent. Further, it is unclear to Applicants why the ‘029 application is listed twice in the rejection of Claims 14, 31, and 58 on page 18 of the Office Action.

Applicants respectfully submit that the claims are directed to statutory subject matter under 35 U.S.C. § 101.

Applicants respectfully traverse the rejections of the claims under 35 U.S.C. § 112, second paragraph. In particular, Applicants strongly traverse the assertion on page 3 of the outstanding Office Action that the claims are “replete with grammatical and idiomatic errors.” On the contrary, Applicants respectfully submit that the original claims are quite clear. Further, regarding item 6 on page 4 of the outstanding Office Action, the Office Action asserts that the terminology in the claims is “inconsistent with ordinary meaning,” but the Office Action does not specifically identify any terminology.

Further, regarding the limitations in Claims 7-11, such as “doctor information,” “situation information,” “first processor,” “facility information,” and “information type,” Applicants respectfully submit that these terms are clear as written. Rather, the discussion in the Office Action clearly indicates that the Examiner’s questions are directed to the exact scope of those terms. Applicants respectfully submit that the Examiner has confused breadth with clarity. Applicants respectfully submit that one of ordinary skill in the art, upon reading the claims, would find the claims to be clear as written. As to the exact scope and meaning of the terms recited in the claims, Applicants respectfully submit that one of ordinary skill in the art would look to the specification for guidance, so that the terms in the claims would be interpreted consistent with the written specification. Thus, Applicants respectfully submit that the claims are clear as written (e.g., there are no questions of antecedent basis) and that the claims satisfy 35 U.S.C. § 112, second paragraph.

Amended Claim 43 is directed to a cyber-hospital system connected to a remote terminal through a network, the system comprising: (1) an input unit configured to input patient location information for a patient from the remote terminal through the network, the patient location information indicating the current physical location of the patient; (2) a

processor configured to collect medical facility information based on the patient location information; (3) a transmitter configured to transmit the medical facility information to the remote terminal; and (4) a display unit configured to display the medical facility information. The changes to Claim 43 are supported by the originally filed specification and do not add new matter.

Regarding the rejection of Claim 43 as anticipated by the '481 patent, the '481 patent is directed to a hospital-based integrated medical computer system for processing medical and patient information and for evolving medical knowledge, diagnoses, and prognoses. As shown in Figure 1, the '481 patent discloses a medical computer system that includes a medical processor 3, medical databanks 5, 7, and 9, physician access points 61-65, patient access points 49, 47, and 57, and a general patient databank 27. See also Figure 2. The '481 patent discloses that the medical information system is contemplated for use in a campus environment where several buildings comprising the hospital or where several hospitals are interlinked via an integrated services digital network (ISDN).

However, Applicants respectfully submit that the '481 patent fails to disclose an input unit configured to input patient location information for a patient from the remote terminal through the network, the patient location information indicating the current physical location of the patient; and a processor configured to collect medical facility information based on the patient location information, as recited in amended Claim 43. In this regard, Applicants note that the Office Action refers to Figure 2, and column 6, lines 16-35 in the '481 patent and states that "[t]his citation shows a hospital network with processors being utilized among multiple medical facilities."<sup>2</sup> However, Applicants note that the passage in column 6 of the '481 patent merely describes a network of medical processing units 103, 105, and 107 and a plurality of medical databanks that are connected via a network. Applicants respectfully

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<sup>2</sup> See pages 5 and 6 of the outstanding Office Action.

submit that the '481 patent is silent regarding the "current physical location" of the patient being input into a remote terminal and being used as the basis for a processor to collect medical facility information, as required by Claim 43. It is unclear to Applicants how the patient location information recited in Claim 43 is disclosed by the '481 patent since the Office Action does not clearly indicate what the location information is within the '481 patent. Accordingly, Applicants respectfully submit that the rejection of Claim 43 is rendered moot by the present amendment to that claim.

Amended Claim 1 is directed to a cyber-hospital system connected to a remote terminal through a network, the system comprising: (1) an input unit configured to input patient condition information for a patient from the remote terminal through the network; (2) a first processor configured to collect first doctor information based on the patient condition information, the first doctor information including information of a plurality of doctors that are candidates to be a doctor for the patient; (3) a transmitter configured to transmit the first doctor information to the remote terminal, and (4) a display unit configured to display the first doctor information, wherein the input unit is configured to receive a designation of one of the plurality of doctors selected by the patient based on the displayed first doctor information. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.<sup>3</sup>

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the Office Action asserts that the '481 patent discloses everything in Claim 1 with the exception of a first processor configured to collect first doctor information based on the patient condition information, and relies on the '029 application to remedy that deficiency.

As discussed above, the '481 patent is directed to a hospital-based integrated medical computer system for processing medical and patient information. However, as noted in the

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<sup>3</sup> See, e.g., Figure 3 and the discussion related thereto in the specification.

outstanding Office Action, the '481 patent fails to disclose a first processor configured to collect first doctor information based on the patient condition information, as recited in Claim 1. In addition, Applicants respectfully submit that the '481 patent fails to disclose that the first doctor information includes information of a plurality of doctors that are candidates to be a doctor for the patient, as recited in amended Claim 1. Further, Applicants respectfully submit that the '481 patent fails to disclose that the input unit is configured to receive a designation of one of the plurality of doctors selected by the patient based on the displayed first doctor information, as recited in amended Claim 1. Applicants respectfully submit that the '481 patent is silent regarding first doctor information that includes information of a plurality of doctors that are candidates to be a doctor for the patient, as required by Claim 1.

The '029 application is directed to a medical care management system having a database of patient information including medical history records, comprising a medical record input apparatus; a medical record storage apparatus, a medical record viewing apparatus; a means for automatically scrolling the medical record being displayed by the medical record viewing apparatus; and a comment input apparatus receiving comments from a user of the system relating to the medical record being displayed, and inputting the comments into the medical records storage apparatus. Paragraphs [0012] and [0020] of the '029 application, which were cited by the outstanding Office Action, disclosed that the records of a patient can be remotely accessed by physicians, insurance companies, HMO managers, and other care providers.

However, Applicants respectfully submit that the '029 application fails to disclose a first processor configured to collect first doctor information based on the patient condition information, the first doctor information including information of a plurality of doctors that are candidates to be a doctor for the patient, wherein the input unit is configured to receive a designation of one of the plurality of doctors selected by the patient based on the displayed

first doctor information, as required by Claim 1. Applicants respectfully submit that the '029 application is silent regarding collecting, transmitting, displaying, and selecting among a plurality of doctors that are candidates to be a doctor for a patient, as required by Claim 1. Rather, the '029 application merely describes a method and system for providing access to medical records.

Thus, no matter how the teachings of the '481 patent and the '029 application are combined, the combination does not teach or suggest a first processor configured to collect first doctor information based on the patient condition information, the first doctor information including information of a plurality of doctors that are candidates to be a doctor for the patient, wherein the input unit is configured to receive a designation of one of the plurality of doctors selected by the patient based on the displayed first doctor information, as required by Claim 1. Accordingly, Applicants respectfully submit that the rejection of Claim 1 (and all associated dependent claims) is rendered by the present amendment to Claim 1.

Independent Claim 44 is directed to a medical information supply system connected to a remote terminal and a plurality of databases, the system comprising: (1) an input unit configured to input, by a user of the remote terminal, first patient information of a patient and user information of the user of the remote terminal from the remote terminal; (2) a processor configured to make a request to one or more of the databases so as to collect second patient information based on the first patient information and the user information; (3) a transmitter configured to transmit the second patient information to the remote terminal; and (4) a display unit configured to display the second patient information.

As discussed above, the '481 patent is directed to a hospital-based integrated medical computer system for processing medical and patient information. As admitted in the outstanding Office Action, the '481 patent fails to disclose a processor configured to make a request to one or more databases so as to collect second patient information based on the first

patient information and the user information, as recited in Claim 44. Further, Applicants respectfully submit that the '481 patent fails to disclose an input unit configured to input, by user the remote terminal, first patient information of a patient and user information of the user of the remote terminal from the remote terminal, as recited in amended Claim 44. Applicants respectfully submit that the '481 patent is silent regarding inputting both first information of a patient and user information of a user, as required by Claim 44.

As discussed above, the '029 application is directed to a medical care management system having a database of patient information including medical history records. While the '029 application discloses that a user can access medical records, Applicants respectfully submit that the '029 application is silent regarding the inputting of both patient information of a patient and user information of the user of a remote terminal, and collecting second patient information based on both the first patient information and the user information, as required by Claim 44.

Thus, no matter how the teachings of the '481 patent and the '029 application are combined, the combination does not teach or suggest collecting second patient information based on the first patient information and the user information, wherein the user information is the information of a user of the remote terminal, and the patient information is patient information of a patient, as recited in Claim 44. Thus, Applicants respectfully submit that the rejection of Claim 44 is rendered moot by the present amendment to that claim.

Independent Claim 63 recites limitations analogous to the limitations recited in Claim 44 and has been amended in a manner analogous to the amendment to Claim 44. However, Applicants note that Claim 62 was rejected only based on the '481 patent. As discussed above, the '481 patent fails to disclose all the limitations recited in Claim 44. Accordingly, Applicants respectfully submit, for the reasons stated above, the '481 patent fails to disclose all the limitations recited in Claim 63, in particular, collecting second patient information

based on the first patient information and the user information, as recited in Claim 63.

Accordingly, Applicants respectfully submit that the rejection of Claim 63 is rendered moot by the present amendment to that claim.

Amended Claim 64 is directed to a method of medical information processing, the method comprising: (1) inputting patient condition information and patient identification information from a remote terminal through a network; (2) collecting patient information based on the patient identification information; (3) deducing a medical condition of the patient based on the patient condition information and the patient information; (4) preparing a medical action plan based on the deduced medical condition; (5) forecasting, by a processor of a computer, a future condition of the patient that is expected by implementing the medical action plan on the patient; and (6) displaying the future condition of the patient on a display.

The changes to Claim 64 are supported by the originally filed specification and do not add new matter.

Applicants respectfully submit that the rejection of Claim 64 is rendered moot by the present amendment to that claim.

As admitted by the outstanding Office Action, the '481 patent fails to disclose the deducing, preparing, and forecasting steps recited in Claim 64. In this regard, Applicants note that pages 30 and 31 of the outstanding Office Action take Official Notice that it is well known in medical arts to perform these steps. Applicants respectfully traverse the Official Notice in the outstanding Office Action, and respectfully request that a reference be provided to show these teachings. Further, Applicants respectfully submit that the rejection of Claim 64 is rendered moot by the present amendment to that claim. Claim 64 has been amended to clarify that the forecasting is performed by a processor of a computer to generate a future condition of the patient that is expected by implementing a medical action plan on the patient, and to recite displaying the future condition of the patient on a display. Applicants



respectfully submit that such steps are not well known, nor would they have been obvious based on the teachings of the '481 patent. Accordingly, Applicants respectfully submit that the rejection of Claim 64 is rendered moot by the present amendment to that claim.

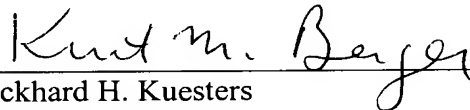
Regarding the rejection of the dependent claims, Applicants respectfully submit that the rejections are rendered moot by the present amendment to the independent claims. Further, as discussed above, Applicants respectfully traverse the Official Notice taken in the outstanding Office Action, and respectfully request that the Office provide references to support the Official Notice.

Thus, it is respectfully submitted that independent Claims 1, 43, 44, 63, and 64 (and all associated dependent claims) patentably define over any proper combination of the '481 patent and the '029 application.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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